

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROGER REIFF, individually and on
behalf of all others similarly situated,

Plaintiff,

- against -

FRANK A. METZ, JR., SHEILA FELDMAN, :
HELEN L. NELLING, SUSAN E. BEVINGTON, :
NANCY STEMME, CHRISTOPHER N. AST, :
EMPLOYEE BENEFITS PLAN COMMITTEE, :
PENSION AND SAVINGS FUND COMMITTEE, :
JOHN HUNTER, ROBERT CLAUSEN, ROBERT :
POTTER, MICHAEL E. MILLER, PAUL H. :
HATFIELD, J. PATRICK MULCAHY, SALLY G. :
NARODICK, PAUL DONOVAN, ROBERT H. :
JENKINS, WILLIAM D. RUCKELSHAUS, JOHN :
B. SLAUGHTER, PHILIP R. LOCHNER, JR., :
ROBERT T. BLAKELY, NORTHERN TRUST :
COMPANY, and JOHN DOES 1-100, :

Defendants.

07 Civ. 6011 (LAP)

(ECF Matter)

**NOTICE OF MOTION OF
DEFENDANT THE NORTHERN
TRUST COMPANY TO DISMISS
THE COMPLAINT FOR FAILURE
TO STATE A CLAIM**

PLEASE TAKE NOTICE that upon the Declaration of Michael J. Dell, sworn to September 17, 2007 and the exhibits to that Declaration, and the accompanying memorandum of law, defendant The Northern Trust Company (“Northern Trust”) will move this Court before the Honorable Loretta A. Preska, in Courtroom 12D, at the United States Court House, 500 Pearl Street, New York, New York, 10007, on a date convenient to the Court, for an order pursuant to Fed. R. Civ. P. 12(b)(6) dismissing the Complaint with prejudice as to Northern Trust, and for such other relief as the Court deems just and proper. The briefing schedule on this motion has been set by the parties’ stipulation that was “so ordered” by the Court on August 16, 2007.

Dated: New York, New York
September 17, 2007

KRAMER LEVIN NAFTALIS & FRANKEL LLP

/s/ Michael J. Dell

Michael J. Dell (MD-7714)

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